

STATE OF NEW HAMPSHIRE  
BOARD OF PHARMACY

September 15, 2004

A regular meeting of the New Hampshire Board of Pharmacy was held on **September 15, 2004** at the Board office, 57 Regional Drive, Concord, New Hampshire. The meeting was **called to order at 8:37 a.m.** with President Margaret E. Hayes presiding.

I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS

PRESENT

Margaret E. Hayes, President  
Kristina Genovese, Vice-President  
George L. Bowersox, Treasurer  
Sandra B. Keans, Secretary  
Vahrij Manoukian, Member

ALSO PRESENT

Paul G. Boisseau,  
Executive Secretary  
Peter A. Grasso,  
Chief Compliance Investigator

ABSENT

Ronald L. Petrin, Member

II. REVIEW OF ACTION ITEMS

A. **FLORIDAINFUSION/NATIONS DRUG**

1053 Progress Court  
Palm Harbor, FL 34683

B. **FLORIDA INFUSION PHARMACY**

4190 Corporate Court  
Palm Harbor, FL 34683

Pursuant to ongoing efforts by the Board and the Attorney General's office requesting licensure (RSA 318:51-a) as mail-order pharmacies doing business in the State of New Hampshire and the failure/refusal of either entity to respond, the Board directed that CCI Grasso notify the following Florida agencies:

1. DEA regional office;
2. Florida Department of Health; and
3. Florida Board of Pharmacy

The four known entities, located in NH, who have in the past purchased prescription drugs from the above-referenced mail-order pharmacies, were also notified that any

further purchases from these sources is illegal and subject to seizure.

**C. Medication Assistance Programs**

Pursuant to Commissioner Bowersox's preliminary report at the March 17, 2004 Board meeting (*see Minutes*), a comprehensive report of findings and proposed resolution (action guidelines) is still in process. The Board is currently reviewing Ohio's Drug Repository Program which allows for the donation of previously dispensed prescription drugs to locations that would use them for treating patients who were unable to pay. Staff is also in the process of contacting other state boards of pharmacy for input. **Survey will be finalized and an executive summary prepared for distribution to the Board.**

**D. Automated Dispensing Machines**

Update on labeling of Baxter-type cells utilized in automatic (robotic) dispensing systems.

Agenda item tabled January 21, 2004 pending additional information.

Issue continues to be researched. **Board approved recommendations to be finalized at the October meeting of the Board.**

**III. REVIEW / ADOPTION OF MINUTES**

Minutes of the **August 18, 2004 special meeting** of the Board were accepted as amended. **(Genovese/Manoukian). Voted (unanimous).**

Minutes of the **August 18, 2004 regular meeting** of the Board were accepted as amended. **(Genovese/Keans). Voted (unanimous).**

**IV. LICENSING**

**A. Pharmacist**

**1. Disciplinary**

**BLACKADAR, James A.**

130 Dover Neck Road

Dover, NH 03820

NH License No. 2253

Docket No. 04-008

Pursuant to a Notice of Hearing issued on August 4, 2004, an adjudicatory proceeding in the matter of James A. Blackadar was commenced on this day.

No communication was received from Mr. Blackadar and he was not present for the hearing which proceeded in *absentia*. Board Executive Secretary Paul Boisseau testified on behalf of the State.

**Decision: Motion (Manoukian/Keans).** The Board finds that relative to continuing education requirements, Mr. Blackadar violated RSA 318:29, II(a) and RSA 318:29, II(c). The Respondent's license to practice pharmacy in the State of New Hampshire is **REVOKED** effective immediately. Voted (unanimous).

2. Renewal (of licensure)

**SMITH, Michael J.**  
250 Route 16B  
Center Ossipee, NH 03814  
NH License No. 2206

**Motion (Keans/Genovese)** to accept Mr. Smith's 2004 application for pharmacist licensure in NH conditioned upon his participation in the NH PharmAssist Foundation with a contractual agreement as may be determined by the Foundation. Voted (unanimous).

**B. Pharmacy**

New

1. **SHAW'S PHARMACY #394**

Stratham Commons Mall  
Portsmouth Avenue  
Stratham, NH 03885

Pharmacist-In-Charge: **Jamie M. Sullivan, R.Ph.**

NH License No. R1483

Corporate Officer/Supervisor: **Mark Strickland, R.Ph.**

Pharmacy Field Supervisor

**Application complete.**

**Motion (Keans/Genovese)** granting a temporary permit to Shaw's Pharmacy #394 located at Stratham Commons Mall, Portsmouth Avenue, Stratham, NH based upon successful completion of the primary inspection, and issuance of the original permit upon successful completion of the secondary inspection pursuant to Ph 305.02. Voted

**(Passed – Commissioner Bowersox abstained)**

**2. THE PRESCRIPTION CENTER**

60 Commercial Street, Suite 103  
Concord, NH 03301

Pharmacist-In-Charge: **Brenda L. Hogan, R.Ph.**

NH License No. 2258

Corporate Officer/Supervisor: **Charles J. Fanaras, R.Ph.**

President

**Application complete.**

**Motion (Keans/Bowersox) granting a temporary permit to The Prescription Center located at 60 Commercial Street, Suite 103, Concord, NH based upon successful completion of the primary inspection, and issuance of the original permit upon successful completion of the secondary inspection pursuant to Ph 305.02. Voted (unanimous).**

**V. COMPLIANCE UNIT**

**A. Activity Report**

- August 2004

**Motion (Manoukian/Keans) to accept the report as amended (to not include the positive ID policy). Voted (unanimous).**

**B. Special Report**

- Capital Region Family Health Center  
250 Pleasant Street  
Concord, NH 03301

The Board reviewed a request from CRFHC, a department of the Concord Hospital, to enter into an agreement with The Prescription Center (located on the Concord Hospital campus) whereby The Prescription Center would be authorized to dispense prescription contraceptives to CRFHC family planning patients. (See *CRFHC file*).

**Motion (Bowersox/Manoukian) to deny the request based on RSA 318:42, VII, whereas the dispensing of non-controlled prescription drugs, in family**

**planning agencies under contract with the Department of Health and Human Services, is restricted to public health clinics, and those locations specifically, licensed by the Board of Pharmacy. Voted (unanimous).**

VI. OLD BUSINESS

A. **End-to-End Electronic Prescribing**

Revisit Board opinion rendered on July 28, 2004 relative to the electronic transmission of prescription information, whereas such information is channeled through a clearinghouse or intermediary ("gateway"/"switching station").

The Board maintains that based on current rules of the Board, and until amended, prescriptions must be transmitted directly from the prescriber to the dispensing pharmacy. If a gateway or switching station receives the prescription after it is electronically launched by the prescriber and before it arrives at the dispensing pharmacy, then the pharmacist must validate the prescription by telephoning the prescriber.

*There is no change in the Board's opinion rendered on July 28, 2004.*

VII. NEW BUSINESS

A. **Click Pharmacy**

8790 SW 8<sup>th</sup> Street  
Miami, FL 33174

Request for opinion relative to licensing requirements for non-resident, mail-order pharmacies doing business in the State of New Hampshire. (*See Board file*).

The Board finds that, according to the information provided by *Click Pharmacy*, there are **no** licensing and/or registration requirements that would require *Click Pharmacy* to license/register (as a non-resident/mail-order pharmacy) in the State of New Hampshire. However, the Board does advise that any/all "**dispensing pharmacies**" who participate in the *Click Pharmacy* network **who provide prescription services to individuals located in New Hampshire, must** (annually) **register** with the Board.

B. **Respiratory Care Practitioner Governing Board**

Request for meeting for purposes of discussing a proposal which would allow

certain trained and licensed RCP's to administer certain medications under limited conditions.

**Cancelled until further notice from the RCPG Board.**

**C. Election of Board Officers**

- |                  |   |                    |
|------------------|---|--------------------|
| • President      | ⇒ | Margaret E. Hayes  |
| • Vice President | ⇒ | Kristina Genovese  |
| • Secretary      | ⇒ | George L. Bowersox |
| • Treasurer      | ⇒ | Sandra B. Keans    |

For President: **Motion (Keans/Bowersox). Voted (unanimous).**

For Vice President: **Motion (Keans/Manoukian). Voted (unanimous).**

For Treasurer: **Motion (Keans/Manoukian). Voted (unanimous).**

For Secretary: **Motion (Bowersox/Genovese). Voted (unanimous).**

The above-noted officers were elected according to NH RSA 318:5, I.

**D. Board Approval of ACPE & CCAPP Accreditation**

**Motion (Bowersox/Genovese) to recognize and approve all pharmacy colleges, schools and universities whose entry-level professional degree (the doctor of pharmacy) programs are accredited by the Accreditation Council for Pharmacy Education and for the baccalaureate degree programs accredited by the Canadian Council for Accreditation of Pharmacy Programs, beginning in 1993 through June 30, 2004 only, according to RSA 318:18,I,(a). Voted (unanimous).**

**E. Rulemaking – Public Hearing**

A public hearing for comments relative to the readoption of Chapter Ph 200 and certain sections of Chapters Ph 300 – 700 of the NH code of Administrative Rules was held on **Wednesday, September 15, 2004** at the Board of Pharmacy office located at 57 Regional Drive, Concord, NH at **9:00 AM**. **No comments, oral or written, were received.**

VIII. ADJOURNED 12:50 P.M.

